REMARKS

The Examiner is thanked for the careful examination of the application. However, in view of the following remarks, the Examiner is respectfully requested to reconsider and withdraw the rejections.

Claims 1-24 are pending, with claims 1, 9 and 17 being independent. Claims 17 – 24 have been amended in response to the 35 USC 101 rejection. Claims 6 and 14 contain allowable subject matter.

Claims 17 – 24 have been rejected under 35 USC 101. However, Applicants note that claims 17 – 24 already include the language suggested by the Examiner, albeit in a different order. Nevertheless, the foregoing amendments should overcome the rejection. In the event that there are any issues remaining concerning 35 USC 101, the Examiner is encouraged to telephone the undersigned so that such issues can be promptly resolved.

Claims 1 and 8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent application publication no. 2002/0003897, hereinafter *Tanaka*, in view of U.S. application publication no. 2004/0169664, hereinafter *Hoffman*, and further in view of U.S. Patent No. 5,596,690, hereinafter *Stone*.

Paragraph [0006] of the published application states that it is a known technique to divide image data into line areas, unfilled closed areas, filled closed areas, and then to then treat each separately to achieve best results. The divided areas can overlap one another when reconstructed. Paragraph [0059] of the publication of the present application states that, after step S210, it is detected whether there are any overlapping parts existing among the separated areas. A

description of a process for such is provided in paragraph [0059] and is omitted here for brevity.

To establish an overlaying sequence, the device of claim 1 includes an attribute recognizing part for recognizing at least attributes concerning whether each extracted image area is a filled closed area or an unfilled closed area. A sequence setting part sets up an overlaying sequence for each image area in accordance with the recognition result of the attribute recognizing part. And, a file producing part produces the file by overlaying said image areas in accordance with the overlaying sequence set up by said sequence setting part. In essence, a sequence for laying out the different areas on top of one another is established, at least in part, by taking into account attributes, and specifically attributes concerning whether each extracted image area is a filled closed area or an unfilled closed area.

Tanaka is related to vector conversion of raster data to facilitate processing. The Examiner acknowledges that *Tanaka* does not disclose or suggest the subject matter mentioned above relating to the sequence setting part or the file producing part. Thus, an analysis of *Tanaka* is omitted for brevity.

To overcome the deficiency of *Tanaka*, the Examiner relies upon *Hoffman* and *Stone*. In particular, the Examiner alleges that *Hoffman* teaches, among other things, the claimed producing part, citing paragraph [0059] of *Hoffman* for support.

The Examiner relies upon *Stone* for an alleged teaching of the claimed sequence setting part for setting up an overlaying sequence for each image area in accordance with the recognition result "of said attribute recognizing part", citing column 33, lines 46 – 65, and Figure 27. However, the Examiner's position is based on a misunderstanding of *Stone*. In the cited section, *Stone* teaches that the

Gargoyle graphics editor 120 permits a user to select and manipulate display objects in image 210, changing their spatial orientation within window 211, interior or exterior boundary color, boundary line thickness, size, angle relationships between the sides, and other similar display attributes.

Accordingly, *Stone* teaches that the editor 120 can *change certain attributes*, such as spatial orientation, interior or exterior boundary color, boundary line thickness, size, and angle relationships between the sides. But, at the cited section, there is no discussion of setting up an overlaying sequence for each image area in accordance with the recognition result of an attribute recognizing part.

In fact, none of the cited references teaches or suggests, either singly or in combination, a sequence setting part for setting up an overlaying sequence for each image area in accordance with the recognition result of an attribute recognizing part.

Applicants reserve the right to challenge the Examiner's other conclusions concerning the applied references, and the alleged motivation for combining the references, at a later time, if necessary and appropriate.

Accordingly, the applied prior art does not teach or suggest claim 1 and dependent claim 8.

Claims 2, 3, 4, 5, 7, 8, 9, 10, 11,12, 13, 15, 16, 17, 18, 19, 20, 21, 23, and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Tanaka*, in view of *Hoffman*, *Stone* and other secondary references. Although *Stone* is not mentioned in the rejection of claims 5, 7, 8, 13, 15, 16, 21, 23, and 24, those rejections refer to the rejection of claim 4, which includes *Stone*. However, the secondary references do not overcome the deficiency of the rejection of claim 1 that is discussed above.

Accordingly, claims 2, 3, 4, 5, 7, 8, 9, 10, 11,12, 13, 15, 16, 17, 18, 19, 20, 21, 23, and 24 are also patentable. There was no prior art rejection of claim 22.

For the reasons stated above, it is requested that all the rejections and objections be withdrawn.

Should any questions arise in connection with the application, or should the Examiner feel that a teleconference would be helpful in resolving any issues, the undersigned requests that he be contacted at the number indicated below.

Respectfully submitted,

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